

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GERALD NIEGELSEN,

Defendant.

Case No. 17-CR-54-JPS

ORDER

On March 8, 2017, the government filed a one-count Information charging the defendant with making a false declaration under penalties of perjury in violation of 26 U.S.C. § 7206(1). (Docket #1). On the same day, the parties filed a plea agreement indicating that the defendant waived his right to prosecution by indictment in open court and agreed to plead guilty to the Information. (Docket #2 at 1-2).

The parties appeared before Magistrate Judge William E. Duffin on April 14, 2017, to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #6). The defendant entered a plea of guilty as to the Information. *Id.* After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Duffin determined that the guilty plea was knowing and voluntary, and that the offense charge was supported by an independent factual basis containing each of the essential elements of the offense. (Docket #6 and #9).

Thereafter, Magistrate Duffin filed a Report and Recommendation with this Court, recommending that: (1) the defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) the defendant be adjudicated guilty and have a sentence imposed accordingly.

(Docket #9). Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rules of Criminal Procedure 59(b) or 72(b) if applicable, the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation.

To date, no party has filed such an objection.


The Court has considered Magistrate Duffin's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

IT IS ORDERED that Magistrate Judge William E. Duffin's report and recommendation (Docket #9) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 2nd day of May, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge